APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,633	07/01/2003	Eric Wisniewski	Q75615	4950

23373	7590	10/10/2006

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EXAMINER
NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/609,633	WISNIEWSKI ET AL.
	Examiner	Art Unit	
	Khai M. Nguyen	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 July 2006_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-8_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-8_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.
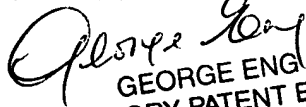
DETAILED ACTION

1.   In view of the Appeal brief filed on 7/10/2006, PROSECUTION IS HEREBY

REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below: George Eng.

GEORGE ENG
SUPERVISORY PATENT EXAMINER

Response to Arguments

2.   The new ground of rejection is at forth below in response to applicant's appeal

brief. The examiner believes that the rejection based on Hirsch in view of Niklasson is

more solid and clarity. Besides, the stage motivation can be found in the Niklasson

reference.

3.   Regarding claims 1-8, Applicant argues, on pages 11-14 of the remarks, that

Niklasson and Hirsch do not disclose, teach, or suggest "method for providing service

management to network elements of a communication network; a method for providing

service management to network elements of a communication network where the
network elements communicate with an Operation and Maintenance Center of the
communication network; and identifying at said mediation server a change in said used
data exchange format from a first data exchange format to a second data exchange
format, and dynamically switching form said first data exchange format to said second
identified data exchange format".

The Examiner respectfully disagrees with Applicant's argument because
Niklasson and Hirsch clearly discloses method for providing service management to
network elements of a communication network (see Hirsch, paragraph 0004, a service
provider such as, e.g. a GSM mobile radio network is subdivided in to a number of
network regions as can be see form fig.1, and a network can have more than one
network regions); a method for providing service management to network elements of
a communication network (see Hirsch, fig.1, OMCs, paragraph 0004-0006, a network
can have more than one network regions) where the network elements communicate
with an Operation and Maintenance Center of the communication network (see Hirsch,
fig.1, OMCs, management center NMC, paragraph 0004-0006, and 0034, OMCs are
used for configuring and monitoring the network devices); and identifying at said
mediation server a change in said used data exchange format from a first data
exchange format to a second data exchange format (see NiKlansson, fig.1, abstract,
paragraph 0010, transmit large amounts of information including those of different type
between a multiplicity of various structured networks), and dynamically switching form
said first data exchange format to said second identified data exchange format (see

NiKlansson, fig.1, abstract, paragraph 0012, switching unit for transmitting the

information received from one of the service processing units to a predetermined data

transmission unit for converting the information into a format of the target

communication network and for sending the information to the target communication

network).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hirsch (U.S.Pub-2003016537) in view of Niklasson (U.S.Pub-20030179772).

Regarding claim 1, Hirsch teaches method for providing service management to

network elements of a cellular communication network (paragraph 0004, a service

provider such as, e.g. a GSM mobile radio network is subdivided in to a number of

network regions as can be see form fig.1, and a network can have more than one

network regions), said network elements communicating with an Operation and

Maintenance Center of the communication network communicating center of said

cellular communication network by sending data having a data exchange format (fig.1,

OMCs, management center NMC, paragraph 0004-0006, and 0034, OMCs are used for

configuring and monitoring the network devices), said data exchange format being

translated in an Operation and Maintenance Center specific data format at a mediation

server (fig.1, OMCs, management center NMC, paragraph 0004-0006, and 0034),

wherein said method comprises:

Hirsch fails to specifically disclose identifying at said mediation server a change

in said used data exchange format from a first data exchange format to a second data

exchange format, and dynamically switching from first data exchange format to said

second identified data exchange format. However, Niklasson teaches identifying at said

mediation server a change in said used data exchange format from a first data

exchange format to a second data exchange format (fig.1, abstract, paragraph 0010,

transmit large amounts of information including those of different type between a

multiplicity of various structured network), and dynamically switching from first data

exchange format to said second identified data exchange format (fig.1, abstract,

paragraph 0012, switching unit for transmitting the information received from one of the

service processing units to a predetermined data transmission unit for converting the

information into a format of the target communication network and for sending the

information to the target communication network). Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to

apply the teaching of Niklasson to Hirsch to provide a method for providing a process

and a system for information and data exchange between communication network.

Regarding claim 2, Niklasson and Hirsch further teaches method according to

claim 1, wherein it further comprises the steps of:

representing said data exchange format in an object oriented program (see

Niklasson, fig.1, paragraph 0034-0035, see Hirsch, fig.4, paragraph 0059-0060), and

dynamically uploading the class using the Java programming language to switch

from said firs data exchange format to said second identified data exchange format

(paragraph 0006, 0011, 0034, 0079, *transmitting the converted information to a*

particular service processing unit and processing the information in a predetermine

manner, converting the processed information in a format of a target communication

network as well as switching and transmitting the information to the target

communication network, see Hirsch, fig.4, paragraph 0059-0060).

Regarding claim 3, Niklasson and Hirsch further teaches the method according to

claim 1, wherein the method further comprises:

selecting one out of a plurality of mediation servers for handling information from

at least one of said network elements according to a predefined load balancing policy

(see Niklasson, fig.1, paragraph 0034-0035, see Hirsch, paragraph 0033, 0036).

Regarding claim 4, Niklasson and Hirsch further teaches method according to

claim 1, wherein said data exchanged between said at least one of said network

element and said Operation and Maintenance Center contains a new software version

download from the Operation and Maintenance Center to said at least one of said

network element (see Niklasson, paragraph 0006-0008, see Hirsch, paragraph 0059-

0060).

Regarding claim 5, Hirsch teaches a mediation server (fig.1, (paragraph 0004-0006) used for translating a first data exchange format used by a network element of a cellular communication network to a second data exchange format used by an center specific data format used by an Operation and Maintenance (fig.1, OMCs, management center NMC, paragraph 0004-0006, and 0034, OMCs are used for configuring and monitoring the network devices); wherein said mediation server comprises:

Hirsch fails to specifically disclose means for identifying at said mediation server a change in said used data exchange format from a first data exchange format to a second data exchange format, and means for dynamically switching from first data exchange format to said second identified data exchange format. However, Niklasson teaches means for identifying at said mediation server a change in said used data exchange format from a first data exchange format to a second data exchange format (fig.1, abstract, paragraph 0010, transmit large amounts of information including those of different type between a multiplicity of various structured network), and means for dynamically switching from first data exchange format to said second identified data exchange format (fig.1, abstract, paragraph 0012, switching unit for transmitting the information received from one of the service processing units to a predetermined data transmission unit for converting the information into a format of the target communication network and for sending the information to the target communication network). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Niklasson to Hirsch to provide

a method for providing a process and a system for information and data exchange
between communication network.

Regarding claim 6, Niklasson teaches the mediation server according to claim 5,
wherein said means for dynamically switching from said first data exchange format to
said second identified data exchange format uses the Java programming language (see
Niklasson, paragraph 0006, 0011, 0034, 0079, *transmitting the converted information to*
a particular service processing unit and processing the information in a predetermine
manner, converting the processed information in a format of a target communication
network as well as switching and transmitting the information to the target
communication network, see Hirsch, paragraph 0059-0060).

Regarding claim 7, Niklasson teaches the mediation server according to claim 5,
wherein the mediation server is a software component part of said Operation and
Maintenance Center (see Niklasson, fig.1, element 510, paragraph 0039-0041, 0079,
see Hirsch, paragraph 0059-0060).

Regarding claim 8, Niklasson teaches the mediation server according to claim 5,
wherein the mediation sever is a software component on a standalone device
connectable to said Operation and Maintenance Center (see Niklasson, fig.1, abstract,
paragraph 0022, 0034, see Hirsch, paragraph 0059-0060).
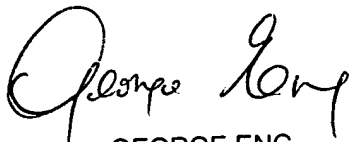
Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571.272.7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khai Nguyen
Au: 2617   9/27/2006

GEORGE ENG
SUPERVISORY PATENT EXAMINER